

COMMITTEE CONFERENCE
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	
)	
Application for Certification)	Docket No.
of the Roseville Energy Park)	03-AFC-1
)	
by the City of Roseville)	
<hr/>)	

CALIFORNIA ENERGY COMMISSION
HEARING ROOM A
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

THURSDAY, APRIL 7, 2005

10:01 A.M.

Reported by:
Christopher Loverro
Contract No. 170-04-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

HEARING OFFICER and ADVISORS PRESENT

Gary Fay, Hearing Officer

STAFF AND CONSULTANTS PRESENT

Kerry A. Willis, Staff Counsel

James W. Reede, Jr., Project Manager

APPLICANT

Scott A. Galati, Attorney
Galati and Blek, LLP

Robert Hren, Project Manager
Roseville Energy Park
Roseville Electric

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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1 P R O C E E D I N G S

2 10:01 a.m.

3 HEARING OFFICER FAY: This is a
4 Committee Conference in application for
5 certification process for the Roseville Energy
6 Park, applied for by the City of Roseville.

7 I just want to announce that I received
8 a call from Commissioner Geesman this morning that
9 he is tied up and cannot attend the conference.
10 And I just want to ask if the parties have any
11 objection to proceeding.

12 MR. GALATI: No objection.

13 HEARING OFFICER FAY: None from the
14 applicant. Staff?

15 MS. WILLIS: No objection.

16 HEARING OFFICER FAY: All right, then
17 we'll go ahead.

18 This conference was noticed by Committee
19 notice issued March 11th; it noticed the
20 availability of the Presiding Member's Proposed
21 Decision, as well as the date and place of this
22 conference, as well as the date and place of the
23 business meeting in April 13th at which time the
24 full Commission will consider whether or not to
25 grant the license for this project.

1 On March 24th the Committee received
2 comments on the PMPD from the staff and the
3 applicant. The Committee has carefully reviewed
4 those comments and incorporated them into an
5 errata that was sent to the parties a couple days
6 ago. Did you receive that, Mr. Galati?

7 MR. GALATI: Yes, we did.

8 HEARING OFFICER FAY: And, Ms. Willis?

9 MS. WILLIS: Yes, we did.

10 HEARING OFFICER FAY: Okay. Fine. So I
11 assume you've had a chance to look it over. So,
12 keeping in mind that that is a working draft,
13 maybe we can save some time. Rather than comment
14 on each other's comments, if you could focus on
15 the Committee's proposed errata, we'll begin with
16 the applicant, Mr. Galati.

17 MR. GALATI: Thank you, Mr. Fay. I
18 guess we'll go through and just highlight a couple
19 of modification we would prefer to the errata.

20 The first would be in the introduction
21 on page 1 there is a modification made for page
22 12; and I believe that this modification was in
23 response to a staff comment.

24 We disagree with the modification. We
25 believe that the record reflects that the City of

1 Roseville is initially using an existing well.

2 And that when the West Roseville Specific Plan is
3 built out at some point in time there will be a
4 potable water distribution system extended into
5 that area.

6 At that time our intention is to hook up
7 to that potable water distribution system. Again,
8 using it only for our potable water sources. We
9 already have a preclusion for using it for cooling
10 or any other uses. It's just we would probably
11 discontinue using the well.

12 We believe that that's what was
13 identified in the AFC and in the FSA, as well.

14 HEARING OFFICER FAY: So, is it your
15 view that the language in the PMPD is accurate?

16 MR. GALATI: That's correct.

17 HEARING OFFICER FAY: Okay.

18 MR. GALATI: Our next comment would be
19 on page 2. There is a modification to page 14 of
20 the PMPD. And, again, I take responsibility for
21 this. This is our mistake.

22 The errata correctly added the
23 information that we requested. But we made a
24 mistake on the length of the recycled water line.
25 We think it's closer to 60 feet instead of 40

1 feet. So we would ask for that to be modified.

2 And also just a minor correction. The
3 reference to finding number four; we believe that
4 that should be changed to finding five.

5 HEARING OFFICER FAY: So the water line
6 is 60 feet, approximately 60 feet. And --

7 MR. GALATI: In the modification from
8 the nine to 12 --

9 HEARING OFFICER FAY: Okay.

10 MR. GALATI: I think it's appropriately
11 modifying finding five.

12 The errata includes two changes to page
13 71, I think reflecting that there were competing
14 suggestions from staff and the applicant. Our
15 preference is to strike the first modification of
16 finding one, there. Accept staff's language in
17 finding one on the second modification there to
18 page 71.

19 But we would prefer if you added the
20 words approximately before all of the megawatt
21 estimates.

22 HEARING OFFICER FAY: So, it's the
23 second set of -- the second paragraph that you
24 prefer? The one that's all underlined?

25 MR. GALATI: That's correct, with the

1 words approximately in front of the estimates for
2 megawatts.

3 HEARING OFFICER FAY: Um-hum.

4 MR. GALATI: We have no additional
5 changes and accept the rest of the errata.

6 HEARING OFFICER FAY: Very good. Okay,
7 staff?

8 MS. WILLIS: Thank you. We spoke with
9 the applicant yesterday regarding the modification
10 on page 12, on page 1 of the errata. And I
11 believe it was our staff's understand from a
12 workshop which led to the proposed changes, but
13 we've discussed it and we will defer to the
14 applicant on this, and go back to our original FSA
15 language, which was the language represented in
16 the PMPD.

17 For page 71 changes we also prefer the
18 second alternative. And we're find with adding
19 the word approximately before each of the megawatt
20 numbers.

21 On page 126, finding eight, we discussed
22 this with our air staff and we are fine with the
23 changes that were made on finding eight.

24 HEARING OFFICER FAY: As expressed in
25 the errata?

1 MS. WILLIS: Correct.

2 HEARING OFFICER FAY: Okay.

3 MS. WILLIS: On page 4 of the errata I
4 believe the change to page 196 is waste
5 management, is under waste management.

6 And the bottom of page 4 and page 5, the
7 changes to page 258 under soil and water
8 resources, we would disagree with the changes that
9 are made, except for the addition of in accordance
10 with the applicable City of Roseville Municipal
11 Code.

12 HEARING OFFICER FAY: I'm sorry, if I
13 may go back. So are you just commenting that
14 there needs to be a subject heading there?

15 MS. WILLIS: Correct.

16 HEARING OFFICER FAY: Okay. And it's
17 waste management.

18 MS. WILLIS: Right.

19 HEARING OFFICER FAY: Okay. All right.
20 I'm sorry, go ahead.

21 MS. WILLIS: Page 4 and page 5, the
22 bottom of page 4 which addresses changes to page
23 258, that was under soil and water resources.

24 HEARING OFFICER FAY: Um-hum.

25 MS. WILLIS: We would disagree with the

1 changes that are made in the deletion, because
2 they do represent the condition basically
3 verbatim.

4 The addition of in accordance with the
5 applicable City of Roseville Municipal Code is
6 also in accordance with the condition. So we
7 would agree with leaving in the addition, but
8 disagree with taking out the rest of the language.

9 If you refer back to the soil and water-
10 6 the language is almost verbatim.

11 MR. GALATI: Mr. Fay, we agree with
12 that. We believe that I think the change was made
13 in response to one of our comments on the PMPD.
14 And we agree that leaving the language in the PMPD
15 as is and adding in accordance with applicable
16 City of Roseville Municipal Code exhibit 50
17 satisfies our concern.

18 HEARING OFFICER FAY: Okay.

19 MS. WILLIS: And I think the last
20 comment, which is minor, is right below on page
21 260; the language, the full paragraph below the
22 strikeout paragraph should be underlined to
23 represent that that's an addition to the --

24 HEARING OFFICER FAY: Oh, all right. But
25 you have no disagree with that as additional

1 language?

2 MS. WILLIS: No. I just wanted to
3 clarify for the reader that that would be an
4 addition.

5 HEARING OFFICER FAY: Sure.

6 Anything further from the staff?

7 MS. WILLIS: No, I believe that's all,
8 thank you.

9 HEARING OFFICER FAY: Okay. Great.

10 Any reaction, other than what you've
11 already given us, from the applicant?

12 MR. GALATI: No, we agree with what
13 staff just said.

14 HEARING OFFICER FAY: Okay. Very good.
15 Anything else then before we move to the final
16 hearing?

17 MR. GALATI: No, other than thank you
18 for the errata. I think that helped this hearing
19 maybe set a record time.

20 HEARING OFFICER FAY: Yeah. Well, the
21 possibility was there, so we thought we'd take
22 advantage of it.

23 Anything further from the staff then?

24 MS. WILLIS: Nothing further, thank you.

25 HEARING OFFICER FAY: Okay, thank you

1 all for coming and working hard these 14 minutes.

2 (Laughter.)

3 HEARING OFFICER FAY: We are adjourned.

4 MR. GALATI: Thanks.

5 (Whereupon, at 10:15 a.m., the Committee
6 Conference was adjourned.)

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CERTIFICATE OF REPORTER

I, CHRISTOPHER LOVERRO, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Committee Conference; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said conference, nor in any way interested in outcome of said conference.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April, 2005.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345□